UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:19-cv-00528-FDW

| KIYA CUNNINGHAM, |) |
|-----------------------------------|---------|
| Plaintiff, |) |
| vs. |)) |
| WELLS FARGO N.A., and WELLS FARGO |) ORDER |
| & COMPANY, |) |
| Defendants. |) |

THIS MATTER is before the Court following a telephonic conference on October 19, 2021, with Plaintiff, who appears pro se in this matter, and counsel for Defendant. The Court conducted the conference upon request by defense counsel to resolve a discovery dispute related the Plaintiff's deposition. During the telephone conference, the parties also discussed Plaintiff's pending Motion to Compel (Doc. No. 36) and deadlines in this case. This Order follows to memorialize the Court's resolution of the parties' disputes, as well as the Court's oral ruling extending several deadlines in this case.

The Court, with the consent of Plaintiff and defense counsel, hereby extends the deadlines for discovery completion, ADR, and dispositive motions:

Discovery Completion:

ADR:

December 3, 2021

Dispositive Motions:

January 7, 2022

All other deadlines, including trial, shall remain the same.

In addition, the parties agreed that Plaintiff would provide Defendant with the following:

1) a general medical authorization release no later than Thursday, October 21, 2021; and 2) all documents, recordings, interrogatory responses (including the identification of all medical

providers), and all other materials that are responsive to Defendant's pending discovery requests

no later than Tuesday, October 26, 2021. The parties are to execute a Protective Order using the

Court's standing Protective Order or a Protective Order with mutually agreeable terms to govern

the production of medical records here. Plaintiff's deposition originally noticed for today, October

19, 2021, is continued and to be re-noticed after Defendant has received Plaintiff's medical records

and before the November 19, 2021, deadline set herein.

Relevant to Plaintiff's Motion to Compel, (Doc. No. 36), the parties also agreed that no

later than Friday, October 22, 2021, Plaintiff is to provide Defendant by with the identification of

search terms (up to 10 words), people, and time frame for Defendant to be able to identify and

produce any communications from March 2018 to August 2020 that are relevant to Plaintiff's

claims and have not already been produced by Defendant.

Finally, the Court memorializes that during the telephone conference, the Court advised

Plaintiff of her obligations under the Federal Rules of Civil Procedure to respond to discovery

requests and appear at her deposition, where she can state objections on the record but must

respond to questions from counsel. The Court also advised her that failure to comply with

applicable rules could result in sanctions and/or a finding of contempt by this Court and/or

dismissal of her case.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel, (Doc. No. 36), is

GRANTED IN PART AND DENIED IN PART as provided herein. The Court also extends the

deadlines as provided herein.

IT IS SO ORDERED.

Signed: October 19, 2021

Frank D. Whitney

United States District Judge